CHAPTER 14-10
MINORS

14-10-01. Minors defined. Minors are persons under eighteen years of age. In this code, unless otherwise specified, the term "child" means "minor". Age must be calculated from the first minute of the day on which persons are born to the same minute of the corresponding day completing the period of minority.

14-10-02. Adults defined. All persons eighteen years of age and over are adults.

14-10-03. Minor or person of unsound mind liable for wrongs. A minor or a person of unsound mind of whatever degree is liable civilly for a wrong done by the minor or person of unsound mind in like manner as any other person.

14-10-04. Minor's rights of action. A minor may enforce the minor's rights by civil action or other legal proceedings in the same manner as an adult, except that a guardian ad litem must be appointed to conduct the same.

14-10-05. Assignment of children prohibited - Penalty. No person, other than the parents, may assume the permanent care and custody of a child, unless authorized so to do by an order or decree of a court having jurisdiction, except that a parent, upon giving written notice to the department of human services, may place that person's own child in the home of the child's grandparent, uncle, or aunt for adoption or guardianship by the person receiving the child. The child must be considered abandoned if proceedings for the adoption or guardianship of the child are not initiated by such relative within one year following the date of notice of placement. No parent may assign or otherwise transfer the parent's rights or duties with respect to the care and custody of the parent's child. Any such transfer or assignment, written or otherwise, is void. This section does not affect the right of the parent to consent in writing to the legal adoption of the parent's child, but such written consent does not operate to transfer any right in the child in the absence of a decree by a court having jurisdiction. Any person who violates the provisions of this section is guilty of a class A misdemeanor.

14-10-06. Unlawful to encourage or contribute to the deprivation or delinquency of minor - Penalty.

1. Any individual who by any act willfully encourages, causes, or contributes to the delinquency or deprivation of any minor is guilty of a class A misdemeanor.

2. Any individual who by any act willfully encourages, causes, or contributes to the deprivation of a child less than sixteen years of age by causing that child to engage in sexual conduct as defined under section 12.1-27.2-01, in any play, motion picture, photograph, dance, or other visual representation is guilty of a class C felony.

3. If an individual is convicted of this section for encouraging, causing, or contributing to the consumption or possession of alcoholic beverages by an individual under twenty-one years of age, the court shall consider the following in mitigation:

    a. After consuming the alcohol, the underage individual was in need of medical assistance as a result of consuming alcohol; and

    b. Within twelve hours after the underage individual consumed the alcohol, the defendant contacted law enforcement or emergency medical personnel to report that the underage individual was in need of medical assistance as a result of consuming alcohol.

14-10-07. Marriage of minors under supervision of juvenile court may be annulled - Penalty. A minor, while under the supervision or custody of the juvenile court or the superintendent of the North Dakota youth correctional center, may not marry without the order of

the juvenile court or of the superintendent of the North Dakota youth correctional center, as the case may be. Any such marriage made without such order is subject to annulment in a proceeding brought in district court by the state's attorney or by any person authorized by law to bring such annulment action. A person knowingly aiding, abetting, or encouraging such marriage is guilty of a class A misdemeanor.

14-10-08. Person to whom child confided substituting other child - Penalty. Every person to whom an infant has been confided for nursing, education, or any other purpose, who, with intent to deceive any parent or guardian of such child, substitutes or produces to such parent or guardian another child in the place of the one so confided, is guilty of a class C felony.

14-10-09. Minor's disability to delegate power and to contract relating to real property. A minor cannot give a delegation of power. A person under the age of eighteen may not make a contract relating to real property or any interest therein or relating to any personal property not in that person's immediate possession or control.

14-10-10. Contracts of minor. Unless otherwise provided by the laws of this state, a minor may make any contract other than contracts specified in section 14-10-09 in the same manner as an adult, subject only to the minor's power of disaffirmance.

14-10-11. Minor's contracts - Disaffirmation. In all cases other than those specified in sections 14-10-12 and 14-10-13, the contract of a minor may be disaffirmed by the minor personally, either before the minor's majority or within one year's time afterwards, or in case of the minor's death within that period, by the minor's heirs or personal representatives.

14-10-12. Minor cannot disaffirm contracts for necessaries. A minor cannot disaffirm a contract, otherwise valid, to pay the reasonable value of things necessary for the minor's support or that of the minor's family, if such contract is entered into by the minor when not under the care of a parent, guardian, or conservator able to provide for such minor or the minor's family.

14-10-13. Minor may not disaffirm statutory contracts. A minor cannot disaffirm an obligation, otherwise valid, entered into by the minor under the express authority or direction of a statute.

14-10-14. Undertaking by minors for release on bail. A minor is capable of entering a binding undertaking for the purpose of securing the minor's release on bail in the same manner and with the same effect as if the minor were an adult.

14-10-15. Unborn child - When deemed existing person. A child conceived but not born is to be deemed an existing person so far as may be necessary for its interests in the event of its subsequent birth.

14-10-16. Identification cards - Application - Misrepresentation of age - Falsifying cards - Penalty. Repealed by S.L. 1977, ch. 342, § 2.

14-10-17. Minors - Treatment for sexually transmitted disease - Drug abuse - Alcoholism. Any person of the age of fourteen years or older may contract for and receive examination, care, or treatment for sexually transmitted disease, alcoholism, or drug abuse without permission, authority, or consent of a parent or guardian.

14-10-17.1. Minor's emergency care. A minor may contract for and receive emergency examination, care, or treatment in a life-threatening situation without the consent of the minor's parent or guardian. If a minor has an emergency medical condition or the potential for an emergency medical condition, consent to emergency examination, care, or treatment of the minor is implied if reasonable steps to contact the minor's parent or guardian are unsuccessful. This section does not authorize a minor to withhold consent to emergency examination, care, or treatment.

14-10-18. Blood donations by minors. Repealed by S.L. 1983, ch. 82, § 154.